

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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<b>SAMUEL ZAKHEIM et al., individually and on behalf of all others similarly situated, Plaintiffs,</b>	:	
<b>v.</b>	:	<b>CIVIL ACTION</b>
	:	<b>No. 22-4594</b>
	:	
<b>CURB MOBILITY LLC et al., Defendants.</b>	:	

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**ORDER**

This 8<sup>th</sup> day of June, 2023, for the reasons set forth in the accompanying memorandum, it is hereby **ORDERED** that:

1. Defendants' Motion to Dismiss (ECF 22) is **GRANTED in part** and **DENIED in part**.
2. As to Plaintiffs' RICO claims set forth in Counts III and IV, the Motion is **GRANTED** and these claims are **DISMISSED without prejudice**.
3. As to Plaintiffs' unjust enrichment claim under New York law set forth in Count VI, and request for declaratory relief set forth in Count VIII, the Motion is **GRANTED** and these claims are **DISMISSED with prejudice**.
4. As to Plaintiffs' remaining claims, the Motion is **DENIED**.

/s/ Gerald Austin McHugh  
United States District Judge